

## Renovation, Repair, and Painting Proposal Points to Consider

EPA welcomes comments on all aspects of the Lead; Renovation, Repair, and Painting Program; Proposed Rule [**Federal Register** (71 FR 1588, January 10, 2006)]. To assist in preparation for providing comment EPA prepared this document to highlight issues from the proposal where the Agency asked for specific input.

- Renovation Study. The following questions relate to the study, *Lead Exposure Associated with Renovation and Remodeling Activities*, conducted by EPA to determine whether renovation activities disturbing lead-based paint create lead hazards.
  - Do you support the conclusions of EPA's renovation studies – that renovation activities can create significant amounts of leaded dust that can pose hazards to the occupants, and that there is a link between renovation activities and an increased risk of elevated blood lead levels in children?
  - Are you aware of peer-reviewed studies or data that EPA has not considered that assess lead exposure resulting from renovation activities?
- Applicability. These questions seek input on issues related to the applicability of the rule -- how it is determined which renovation activities will be subject to the requirements of the rule.
  - Should EPA phase in the applicability of this proposal – applying it initially to rental and owner-occupied housing built before 1960 and later to homes built through 1977 – to allow time for the development of improved kits that identify lead-based paint?
  - Should EPA wait to finalize the proposed second phase of this regulation until new paint test kits are commercially available?
  - Are there practical alternatives for a firm to confirm that no child under 6 resides in a home when the firm is unable to obtain a signed statement from the homeowner?
  - Should firms be able to assume that no child under age 6 resides in owner-occupied housing?
  - Should this proposal apply to rental housing only where children under age 6 reside?
  - In owner-occupied housing, should EPA exclude homes where children under 6 do not reside?
  - In owner-occupied multi-unit buildings, should the requirements of the proposal apply to all renovations conducted in the common areas, as well as renovations of the building's exterior, regardless of whether a child under 6 resides in affected units?
  - Should this proposal apply only to older homes, like those built prior to 1960, where there is an increased likelihood that lead-based paint is present?
  - Do you support the conclusion, or are you aware of data to the contrary, that there is a greater likelihood of disturbing lead-based paint in a home built before 1960 than in a home built after that date? How should these facts affect the proposed regulatory requirements?
  - Should certain activities, like exterior siding projects, HVAC duct work, wallpaper removal, and exterior soil disruption, be excluded from this proposal? Are you aware of lead loading data that would support their exclusion or inclusion?
  - Should any category of specialty contractor be excluded from this proposal? If so, are you aware of data that would support such an exclusion?

- Should a time limit be placed on the exemption for projects where a lead-poisoned child residing in the home has been identified?
- In owner-occupied housing, should the proposal apply where an expectant mother resides?
- Is the proposed minor maintenance exemption of 2 ft<sup>2</sup> for building interiors and 20 ft<sup>2</sup> for exteriors an appropriate surrogate for routine building maintenance activities? If not, do you have data regarding the number of renovations that would be affected by a change in the minor maintenance exception and any data that would support a change in this exception?
- Should the decision whether to employ the lead-safe work practices described in this proposal be the homeowner's? In other words, should a homeowner be allowed to choose whether or not the firm they hire employs lead-safe work practices during a renovation in their home?
- Training. EPA is seeking input regarding the proposed requirements for the training of renovators and dust sampling technicians.
  - Are all of the topics that should be covered in the renovator and dust sampling technician courses included in the proposal, and should hands-on activities be required?
  - Are the specified training hour requirements for the initial and refresher courses necessary, and if so, are the hours specified appropriate?
  - Should renovators and sampling technicians be required to obtain refresher training, and if so, is 3 years an appropriate interval for refresher training?
  - Should EPA have a streamlined certification process for renovators and sampling technicians having previously received training?
- Work practices. The following questions relate to the proposal's work practices requirements. The work practices are intended to protect occupants from lead hazards resulting from the disturbance of lead-based paint during a renovation project.
  - Are you aware of studies showing the effectiveness of the proposed work practices standards individually or in combination?
  - Are there any situations where some or all of these proposed lead-safe work practices are not necessary (for example, if a home is not occupied during the renovation process)?
  - Are you aware of studies demonstrating that non-HEPA-equipped vacuums are as efficient at capturing the smallest lead particles as HEPA-equipped vacuums?
  - Should EPA consider the use of vacuums other than HEPA-equipped vacuums, given that OSHA requires their use (29 CFR 1926.62(h)(4))?
  - Should some work practices, like open flame burning and machine sanding of painted surfaces, be prohibited? If so, should these practices be prohibited for both interior and exterior renovations?
  - Does requiring a certified renovator to be present at the work site, or immediately available by phone, provide firms with needed flexibility without decreasing the protection provided by this proposal?
  - Should EPA require firms to notify the Agency prior to conducting all or some subset of renovation activities, and if so, should such requirements be phased in over time to evaluate their effectiveness and feasibility?
  - Are the standards proposed for lead-based paint chemical test kits achievable and sufficiently protective? Also, is the proposed validation process appropriate or do you have suggestions on how to conduct the kit recognition process?

- How should EPA ensure that this workforce understands how to use test kits to test for lead-based paint?
- How should EPA ensure that this workforce understands how to perform the post-renovation cleaning verification?
- Is cleaning verification necessary given the proposed cleaning requirements?
- Do you support the conclusions of the disposable cleaning cloth study, and/or do you have comments on the study itself?
- Should the proposed cleaning verification be performed by an individual not involved in the renovation activity?
- Are you aware of other methods to ensure that leaded dust and debris created by renovations are adequately cleaned?
- Record keeping. The following question relates to the record keeping requirements described in the proposal.
  - Are the record keeping requirements adequate to demonstrate compliance with the proposal, and is the sample record keeping form useful and practical?
- Program authorization. This program is delegable, meaning States, Territories, and Tribes will have the opportunity to seek authorization to run the program themselves. These questions refer to that authorization process.
  - Following promulgation of a final rule, is one year enough time for States, Territories, and Indian Tribes to develop renovation programs and get them authorized?
  - What can EPA do to prevent the need for both Federal and State certification/accreditation when a jurisdiction is working toward, but unable to complete, the authorization process in one year?
  - Is the one year implementation delay of this rule necessary considering EPA certification and accreditation would be valid in any jurisdiction that does not have an authorized program?
- Abatement. The following question refers to the interrelation between the Agency's existing training and certification program for abatement contractors and the proposed renovation requirements.
  - Should cleaning verification be permitted, in lieu of clearance testing, following abatement activities? Also, are there other changes that should be considered to the abatement regulations?
- General
  - Would this proposal cause homeowners to defer maintenance or perform some renovation projects themselves rather than hire a professional due to increased costs associated with the rule?
- Economic analysis. To further improve the analysis for the final rule, the Agency is also specifically interested in comments and supporting information on the following questions related to assumptions used in the Agency's analysis:
  - To what extent do renovators/contractors already conduct any of the individual activities described in the proposed rule?
  - To what extent is the whole house or rooms adjacent to the work area contaminated by typical renovation, repair, or painting activities?
  - Under what circumstances do renovators/contractors clean the whole house or adjacent rooms during or after renovation, repair, or painting activities?

- Under what circumstances do homeowners or rental management firms clean the work area or adjacent rooms during or after renovation, repair, or painting activities?
- To what extent do renovators/contractors or homeowners already use vacuums equipped with HEPA filters to clean up debris created during renovation, repair, or painting activities?
- Under what circumstances do renovators/contractors use plastic sheets or other methods to isolate and collect dust and debris, during or after renovation, repair, or painting activities?
- If dust or debris is generated in preparing the surfaces, to what extent do renovators/contractors or building owners clean up the dust or debris before painting?
- EPA's economic analysis only looks at ingestion exposures after the renovation, repair, or painting event is completed and the contractor has left. To what extent should the analysis reflect any exposures to owners or occupants (both inhalation and ingestion) during the renovation, repair, or painting event?
- How many days does a typical renovation, repair, or painting event last? How many days during the renovation, repair, or painting event is dust created? How often and how thoroughly is cleaning performed during or after the renovation, repair, or painting event?
- To what extent should the analysis of adult exposures consider average dust loading on surfaces as compared to the typically higher dust loadings resulting from renovation, repair, or painting events?
- How do cleaning efficiencies of different cleaning methods (sweeping, regular vacuum, HEPA vacuum) vary with the dust loading level?
- How do lead dust loading levels vary by the age of the home and by home component type (e.g., indoor trim versus outdoor trim)?